



DEPARTMENT OF THE ARMY
ASSISTANT SECRETARY OF THE ARMY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON, DC 20310-0111

SAMR

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Interim Guidance on the Emergency Paid Sick Leave and Emergency Family and Medical Leave Expansion under the Families First Coronavirus Response Act

1. References:

- a. Title 5, Code of Federal Regulations (CFR), Part 630, Absence and Leave.
- b. Message, Defense Civilian Personnel Advisory Service, April 9, 2020, subject: Office of Personnel Management Families First Coronavirus Response Act Fact Sheet.
- c. Message, Defense Civilian Personnel Advisory Service, April 7, 2020, subject: Interim Guidance on the Emergency Paid Sick Leave and Emergency Family and Medical Leave Expansion under the Families First Coronavirus Response Act.
- d. Families First Coronavirus Response Act (FFCRA), Public Law 116-127, March 18, 2020.

2. The Families First Coronavirus Response Act (FFCRA or Act) requires employers to provide employees with paid sick leave and expanded family and medical leave for specified reasons related to Coronavirus Disease 2019 (COVID-19). These provisions are effective from April 1, 2020 through December 31, 2020. **All employees must be informed that invoking leave under the FFCRA may result in a debt that will be collected at a later date, and, that they will be ineligible to receive a debt waiver for this overpayment.**

3. The leave entitlements include:

- a. Division C - Emergency Family and Medical Leave ("expanded FMLA leave"): The Act provides for expanded family and medical leave to covered employees up to 10 weeks of paid leave **at the two-thirds rate of pay**. Eligibility for this category is outlined in the Office of Personnel Management Fact Sheet. Most Federal employees are not eligible for expanded FMLA leave which is applicable only to certain Federal employees covered by title 1 of the FMLA.

SAMR

SUBJECT: Interim Guidance on the Emergency Paid Sick Leave and Emergency Family and Medical Leave Expansion under the Families First Coronavirus Response Act

b. Division E - Emergency Paid Sick Leave: The Act provides up to 80 hours of emergency paid sick leave to all Federal civilian employees in specified circumstances related to COVID-19. This new temporary leave category is in addition to any other paid leave entitlements. Depending on the circumstances, the rate of pay is either at the regular rate of pay for the employee or at two-thirds of the employee's regular rate of pay.

4. Qualifying reasons for emergency paid sick leave related to COVID-19 include:

- a. Is subject to a federal, state, or local quarantine or isolation related to COVID-19;
- b. Has been advised by a health care provider to self-quarantine related to COVID-19;
- c. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- d. Is caring for an individual subject to a quarantine or isolation order or self-quarantine;
- e. Is caring for a child under (18 years of age) whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19; or
- f. Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services (in consultation with the Secretaries of the Treasury and Labor).

5. While the Defense Finance and Accounting Service has designated time and attendance codes that will be used for the two types of leave under FFCRA, the codes are not programmed for the different rates of pay that may apply and will not prevent an employee from taking leave over the statutory limits under the FFCRA, nor enforce the statutory caps on daily or aggregate pay. Supervisors should track the FFCRA statutory limits on leave usage and limitations on cash value and be prepared to submit corrected time and attendance records once the codes are fully programmed for usage.

Employees must be advised that the above revision to their time and attendance record(s) may result in a debt that will be collected at a later date, and, that they will be ineligible to receive a debt waiver for this overpayment.

6. Potential Exclusions. Additional guidance regarding the exclusion from coverage under division E for health care providers and/or emergency responders may be forthcoming from the Department of Defense. Additionally, the Office of Management

SAMR

SUBJECT: Interim Guidance on the Emergency Paid Sick Leave and Emergency Family and Medical Leave Expansion under the Families First Coronavirus Response Act

and Budget may, for good cause, exclude other categories of federal employees from coverage under division E.

7. The attached Department of the Army Fact Sheet (Attachment 1) and Office of Personnel Management Fact Sheet (Attachment 2) provide additional guidance on the provisions for taking leave under the FFCRA.

8. To the extent that this memorandum impacts bargaining unit employees' conditions of employment, commands and activities are reminded to fulfill applicable labor relations obligations prior to implementation.

9. Point of contact for this action is Dr. Todd Fore, SES at todd.a.fore.civ@mail.mil and (703) 614-8143 or Mrs. Constance Ray at constance.b.ray2.civ@mail.mil and (703) 695-5149.

Encls

E. CASEY WARDYNSKI

DISTRIBUTION:

Principal Officials of Headquarters, Department of the Army
Commander

- U.S. Army Forces Command
 - U.S. Army Training and Doctrine Command
 - U.S. Army Materiel Command
 - U.S. Army Futures Command
 - U.S. Army Pacific
 - U.S. Army Europe
 - U.S. Army Central
 - U.S. Army North
 - U.S. Army South
 - U.S. Army Africa/Southern European Task Force
 - U.S. Army Special Operations Command
 - Military Surface Deployment and Distribution Command
 - U.S. Army Space and Missile Defense Command/Army Strategic Command
- (CONT)

SAMR

SUBJECT: Interim Guidance on the Emergency Paid Sick Leave and Emergency Family and Medical Leave Expansion under the Families First Coronavirus Response Act

DISTRIBUTION (CONT)

U.S. Army Cyber Command

U.S. Army Medical Command

U.S. Army Intelligence and Security Command

U.S. Army Criminal Investigation Command

U.S. Army Corps of Engineers

U.S. Army Military District of Washington

U.S. Army Test and Evaluation Command

U.S. Army Human Resources Command

Superintendent, United States Military Academy

Director, U.S. Army Acquisition Support Center

Superintendent, Arlington National Cemetery

Commandant, U.S. Army War College

Director, U.S. Army Civilian Human Resources Agency

CF:

Director, Business Transformation

Commander, Eighth Army